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In an adversary proceeding pending before a Bankruptcy Court, the Bankruptcy Court shall, on the court's own motion or a party's timely motion, determine whether the proceeding is one in which the Bankruptcy Court may enter a final order or judgment.

#### **Commentary**

This rule confirms that it is for the Bankruptcy Court to determine whether it has the authority to enter a final order or judgment in a proceeding. A party's contention that the Bankruptcy Court lacks that authority will not by itself remove the proceeding from determination by the Bankruptcy Court. Absent withdrawal of the reference, the Bankruptcy Court shall retain the proceeding, and shall at the conclusion of the proceeding exercise the authority it determines to be proper.

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